

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CU-02 BIB-01 SAJ-01 EURE-00 SSO-00

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C O N F I D E N T I A L GENEVA 4392

E.O. 11652: GDS

TAGS: CSCE PFOR XG

SUBJ: CSCE POLICY: HUMAN CONTACTS-RELIGIOUS TRAVEL

REF: A) STATE 135886; B) GENEVA 4276

1. THIS CABLE DISCUSSES POINTS RAISED IN REFTEL A, SETS FORTH
US OPTIONS AND REQUESTS FURTHER INSTRUCTIONS ASAP.

2. AT JUNE 11 INFORMAL MEETING ON TRAVEL, DANISH DEL HEAD
READ OUT, IN FRENCH, PROPOSAL FOR PARAGRAPH ON RELIGIOUS
CONTACTS, TO APPEAR AS THE LAST PARA UNDER HEADING "TRAVEL
FOR PERSONAL AND PROFESSIONAL REASONS", AND TO BE SET OFF
FROM REST OF TRAVEL TEXT BY THREE ASTERISKS.

UNOFFICIAL DELEGATION TRANSLATION IS AS FOLLOWS:

BEGIN TEXT: THEY CONFIRM THAT RELIGIOUS INSTITUTIONS,
ORGANIZATIONS AND FAITHS, PRACTISING WITHIN THE CONSTITUTIONAL
FRAMEWORK OF THE RESPECTIVE PARTICIPATING STATES,
AND THEIR REPRESENTATIVES, CAN HAVE CONTACTS AND MEETINGS
AMONG THEMSELVES WITHIN THE FIELD OF THEIR ACTIVITIES. END TEXT.

3. PURSUANT TO REFTEL A, WE RAISED OBJECTION TO "WITHIN
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THE CONSTITUTIONAL FRAMEWORK OF THE RESPECTIVE PARTICI-

PATING STATES", MAKING REFERENCE TO ARTICLE 18 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. SOVIET BASKET III CHIEF DUBININ REPLIED THAT ARTICLE 18 WAS ITSELF QUALIFIED BY ARTICLE 29, WHICH SPEAKS OF LIMITATIONS DETERMINED BY LAW, MORALITY AND PUBLIC ORDER. FOR THEIR PART, EASTERN DELS SUGGESTED DELETION OF "FAITHS" AS UNNECESSARY. UK REP INDICATED HE WAS STILL AWAITING INSTRUCTIONS ON "CONSTITUTIONAL FRAMEWORK" QUESTIION.

4. ACCORDING TO VATICAN REP AND TO DANISH DEL HEAD (WHO SPEAKS FOR NATO GROUP IN NEGOTIATIONS WITH SOVIETS ON THIS SUBJECT), SOVIETS VIEW THE "CONSTITUTIONAL FRAMEWORK". QUALIFICATION AS THE FARTHEST THEY CAN GO TO COMPROMISE ON THEIR ORIGINAL INSISTENCE THAT THIS PROVISION MAKE REFERENCE TO, AND APLY ONLY TO, "LEGIMATELY EXISTING RELIGIOUS COMMUNITES". FORMULATION "CONSTITUTIONAL FRAMEWORK" APPEARS TO AVOID IMPLICATION THAT RELIGIOUS ACTIVITIES, IN US FOR EXAMPLE, WOULD BE LIMITED TO "LEGITIMATE" RELIGIOUS GROUPS, AND ARGUABLY QUALIFICATION COULD BE NARROWLY CONSTRUED AS SUBJECT IN USSR ONLY TO SOVIET CONSTITUTION, WHICH DUBININ HAS POINTED OUT GUARANTEES FREEDOM OF CONSCIENCE. ADDITIONALLY WE NOTE THAT SEVENTH PRINCIPLE OF PRINCIPLES DECLARATION INCLUDES STRONG REAFFIRMATION OF FREEDOM OF RELIGION IN CONJUNCTION WITH UNIVERSAL DECLARATION OF HUMAN RIGHTS, THUS MILITATING AGAINST POSSIBILITY THAT RELIGIOUS TRAVEL TEXT COULD BE CONTRUED AS WATERING DOWN PARTICIPATING STATES' COMMITMENT TO UNIVERSAL DECLARATION.

5. ADMITTEDLY CLUMSY WORDING REFERRED TO IN PARA 2, REFTTEL A, IS INTENDED TO RETAIN AMBIGUITY IN TEXT TO PERMIT INTERPRETATION THAT PROVISION IS NOT LIMITED TO OFFICIAL "REPRESENTATIVES", BUT ALSO APPLIED TO INDIVIDUAL ADHERENTS, OR GROUPS OF ADHERENTS, TO A RELIGIOUS FAITH.

6. RE PARA 4, REFTTEL A, WE BELIEVE THE PLACEMENT OF THE RELIGIOUS PARA UNDER THE HEADING "TRAVEL FOR PERSONAL OR PROFESSIONAL REASONS," AND FOLLOWING THE PARA DEALING WITH TRAVEL AMONG THE PARTICIPATING CONFIDENTIAL

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STATES, IMPLIES THAT THE PROVISION APPLIES TO CONTACTS AMONG RELIGIOUS REPRESENTATIVES RESIDING IN DIFFERENT PARTICIPATING STATES.

7. WE VIEW US OPTIONS AS FOLLOWS:
A. TO INSIST TO THE SOVIETS ON DELETION OF THE "CONSTITUTIONAL FRAMEWORK" QUALIFICATION. THIS WULD PUT THE US OUT IN FRONT ON WHAT HAS BEEN A VATICAN PROPOSAL,

AND COULD LEAD TO SIVET CLAIMS THAT WE ARE MAKING NEW DEMANDS. WE DOUBT THAT SOVIETS COULD ACCEPT SUCH AN UNQUALIFIED TEXT. HOWEVER, IF SUCCESSFUL, THE RESULT OF THIS COURSE WOULD BE A SIGNIFICANTLY BETTER TEXT.

B. DESPITE ITS SHORTCOMINGS, TO SUPPORT THE COMPROMISE TEXT WORKED OUT LABORIOUSLY BETWEEN EAST, WEST AND THE VATICAN AND SET FORTH ABOVE. THIS WOULD BE THE COURSE MOST LIKELY TO LEAD TO A SPEEDY RESOLUTION OF THE ISSUE.

C. TO ATTEMPT TO GET THE VATICAN TO DROP ITS PROPOSAL ALTOGETHER, ON THE THEORY ITS INTERESTS ARE ADEQUATELY PROTECTED BY THE SEVENTH PRINCIPLE ON RESPECT FOR HUMAN RIGHTS, AND TO AVOID ANY NEGATIVE IMPLICATION OF A QUALIFIED PARAGRAPH ON RELIGIOUS CONTACTS. THIS COURSE WOULD BE PARTICULARLY DIFFICULT NOW THAT A TEXT HAS BEEN TABLED. FURTHERMORE, ALTHOUGH THE SOVIETS WOULD PRESUMABLY WELCOME SUCH A SOLUTION, THE VATICAN OBVIOUSLY WOULD NOT. THE VATICAN DELEGATION EVIDENTLY FEELS STRONGLY ENOUGH TO BLOCK CONSENSUS UNTIL IT OBTAINS A PARAGRAPH ON RELIGIOUS CONTACTS. ALSO, FAILURE TO SPECIFICALLY MENTION RELIGIOUS GROUPS COULD HAVE NEGATIVE PUBLIC RELATIONS FALL-OUT FOR US. REPRESENTATIVES OF JEWISH ORGANIZATIONS HAVE MENTIONED TO US THEY WOULD BE GREATLY DISAPPOINTED IF THERE WERE NO POSITIVE PROVISION IN SOME FORM ON RELIGION IN BASKET III TEXTS.

8. OUR INCLINATION IS TO PURSUE OPTION B, PROVIDED WE CAN OBTAIN A SATISFACTORY RUSSIAN TRANSLATION. IN OUR VIEW, THE WORD "FAITHS" IS COMPREHENSIVE, COVERING ALL FORMS OF BELIEF, INCLUDING PRIVATE INDIVIDUALS BELIEFS. INCLUSION OF THIS WORD THUS IMPLIES THAT MEASURE APPLIES TO ALL PERSONS WHO PROFESS A FAITH, EVEN IF THEY ARE NOT MEMBERS OF A RECOGNIZED OR FAVORED RELIGIOUS COMMUNITY. FURTHERMORE, WE BELIEVE THIS WORD ALSO HELPS

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TO IMPLY CONTACT BY INDIVIDUALS SINCE, AS REFTEL A POINTS OUT, "FAITHS" CANNOT, STRICTLY SPEAKING, HAVE CONTACTS.

9. SINCE DISCUSSIONS ON GLOBAL INITIATIVE ARE TO BE CONTINUED THURSDAY JUNE 12, AND PRESENT US POSITION IS MAJOR HOLDUP TO PROGRESS ON THIS ISSUE, REQUEST FURTHER GUIDANCE ASAP. DALE

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